ARIZONA HOUSE OF REPRESENTATIVES
Forty-eighth Legislature - Second Regular Session

MAJORITY CAUCUS CALENDAR

May 20, 2008

BLUE SHEET #13 (concur/refuse)	HB2806 (Boone)
BLUE SHEET #13 (concur/refuse)	HB2732 (Biggs)
BLUE SHEET #14 (concur/refuse)	HB2479 (Adams)
BLUE SHEET #15 (concur/refuse)	HB2816 (Crandall)
BLUE SHEET #15 (concur/refuse)	HB2822 (Crandall)

BLUE SHEET #17 (concur/refuse)
BLUE SHEET #18 (concur/refuse)

Free Conference Committee Report	SB1048
Free Conference Committee Report	SB1037
Free Conference Committee Report	SB1053
Free Conference Committee Report	SB1083
Free Conference Committee Report	SB1341

Bill Number	Short Title	Committee	Date	Action	
Committee on Appropriations					
Analyst: Mike Huckins	**Assistant Analyst: Barbara Croft**				
SB 1337	centennial funding; capitol renovation				
SPONSOR:	FLAKE	APPROP	4/2	DPA	(11-3-0-3-0)
Committee on Counties, Municipalities and Military Affairs					
Analyst: Thomas Adkins					
SB 1406	~~municipal development fees; technical correction~~ (Now: municipal development fees; procedures)				
SPONSOR:	BEE	CMMA	4/8	DP	(6-3-0-1-0)
Committee on Education (K-12)					
Analyst: Jennifer Anderson					
SB 1359	~~schools; developmentally delayed pupils~~ (Now: developmentally delayed pupils; schools)				
SPONSOR:	O'HALLERAN	ED	4/2	DPA	(8-0-0-2-0)
Committee on Health					
Analyst: Dan Brown					
SB 1117	hospitals; single group licenses				
SPONSOR:	O'HALLERAN	HEALTH	3/26	DP	(9-0-0-1-0)
SB 1128	~~occupational therapy board; omnibus~~ (Now: omnibus; occupational therapy board)				
SPONSOR:	O'HALLERAN	HEALTH	3/19	DP	(6-0-0-4-0)
Committee on Natural Resources and Public Safety					
Analyst: Ralene Whitmer					
SB 1153	improvised explosive device; definition				
SPONSOR:	GRAY C	NRPS	4/9	DPA	(8-0-1-1-0)

HOUSE OF REPRESENTATIVES

SB 1117

hospitals; single group licenses

Sponsors: Senators O'Halleran, Aguirre, Representative Mason, et al.

DP Committee on Health

X Caucus and COW

House Engrossed

SB 1117 expands the number of satellite facilities for which a hospital may receive a single group license, and increases the distance from the main hospital building that satellite facilities under a single group license may be located in rural counties.

History

Arizona Revised Statutes § 36-422 requires the Department of Health Services (DHS) to issue a single group license to a hospital and facilities of that hospital that are located separately from the main hospital building if the licensee requests a single group license and the facilities all meet or exceed licensure requirements. In addition, the DHS is also required to issue a single group license to hospitals that includes not more than five satellite facilities located more than one-half mile from the main hospital building if the facilities all meet or exceed licensure requirements. *Satellite facility* is defined as an outpatient facility at which the hospital provides outpatient medical services. Current law stipulates that each facility included under a single group license is required to meet the DHS's licensure requirements for that type of facility.

Provisions

- Increases to ten, the number of satellite facilities located more than one-half mile from a main hospital building for which a hospital may receive a single group license in counties with populations of more than 500,000 persons.
- Stipulates that in counties with populations of fewer than 500,000 persons, upon request, the DHS shall issue a single group license to a hospital that includes all its satellite facilities within thirty-five miles of the main hospital building if all the facilities meet or exceed licensure requirements.
- Requires the DHS, upon request, to also issue a single group license to a hospital and not more than ten of its satellite facilities that are located farther than thirty-five miles from the main hospital building if all the facilities meet or exceed licensure requirements.

HOUSE OF REPRESENTATIVES

SB 1128

omnibus; occupational therapy board

Sponsor: Senator O'Halleran

DP Committee on Health

X Caucus and COW

House Engrossed

SB 1128 makes a variety of changes to the Board of Occupational Therapy Examiners' (Board) statutes.

History

The Board was created by Laws 1989, Chapter 296, § 6. The Board consists of five members appointed by the Governor. Two members must be public members who are not directly or indirectly engaged in the provision of health care services. The other three members must be licensed occupational therapists and have a minimum of three years of experience in occupational therapy or teaching in an accredited occupational therapy education program immediately prior to appointment. The Board members serve three year terms and may not serve more than two consecutive terms.

The primary responsibilities of the Board include issuing and renewing licenses for the occupational therapy profession, receiving and investigating complaints and when appropriate, taking disciplinary action. Current statute requires that each applicant meet minimum standards of education, experience, and competency. Currently there are 1,696 active occupational therapists and 551 active occupational therapy assistants licensed in Arizona.

Provisions

- Requires the Board to carry out informal meetings and formal interviews necessary to carry out its functions.
- Clarifies that monies in the Board Fund may be used for compensation and expenses for Board staff.
- Stipulates that occupational therapy assistants are professionally and legally responsible for supervising client care given by nonlicensed employees or volunteers, and are subject to disciplinary action by the Board for failure to provide adequate supervision.
- Modifies the definitions of *consultation*, *evaluation*, *occupational therapist*, *occupational therapy*, *occupational therapy assistant*, *occupational therapy services*, and *unprofessional conduct*.
- Strikes the definition of *direct supervision*.
- Adds definitions for *letter of concern* and *supervision*.
- Makes technical and conforming changes.

Executive Director

- Requires the Executive Director of the Board to:
    - Issue and document licenses approved by the Board.
    - Keep a record of the status of licenses and licensees.
    - Keep a record of the status of applicants, including those whose applications are denied.
    - Perform tasks and duties assigned by the Board.
    - Collect fees and maintain accounting records according to generally accepted accounting principles.

Prohibitions

- Prohibits the following acts for persons not licensed by the Board, unless otherwise permitted by statute:
    - Practicing or assisting in the practice of occupational therapy.

- Claiming to be an occupational therapist, an occupational therapy assistant, or a provider of occupational therapy services.
- Rendering occupational therapy services.
- Using titles or abbreviations associated with the practice of occupational therapy.

Licensure

- Requires the Board to prescribe educational programs required for licensure.
- Eliminates the requirement that a written licensure application be provided by and filed with the Board.
- Provides the Board with discretion in determining whether a license applicant is of good moral character by allowing the Board to consider whether the applicant has been convicted of a crime involving moral turpitude.
- Allows the Board to approve educational programs that fulfill the qualifications for licensure.
- Specifies the number of supervised fieldwork hours that must be completed by applicants for licensure as an occupational therapist or an occupational therapy assistant.
- Requires licensure applicants to pay the application fee.
- Stipulates that an applicant who is denied a license may request a hearing.
- Indicates the subject areas that may be included in the licensure examination.
- Allows the Board to reinstate an expired license if the licensee:
  - Complies with Board rules for renewal of licenses.
  - Is not in violation of Board statutes, rules, or orders.
  - Pays the required fees.
- Permits the Board to grant inactive status to a licensee upon request.
- Eliminates the requirement that licensees on inactive status maintain continuing education requirements.
- Allows the Board to specify the number of continuing education hours that must be successfully completed as a condition of licensure renewal.
- Requires a licensee to report to the Board in writing any change in name or address within thirty days of the change.
- Stipulates that foreign trained applicants must submit a completed application and pay all applicable fees.
- Clarifies that an applicant or licensee must cover the expense of fingerprinting.

Disciplinary Action

- Specifies the Board may receive written complaints filed against licensees and conduct investigations.
- Stipulates the Board may conduct investigations at any time on its own initiative without receipt of a written complaint if the Board has reason to believe that there may be a violation of the Board's statutes.
- Eliminates the requirement that the Board not disclose the identity of a person who has provided information related to a complaint.
- Strikes the requirement that the Board keep a complaint confidential until the Board verifies or substantiates the complaint.
- Allows the Board to request a formal interview with a licensee or any other person to further an investigation or resolve a complaint.
- Clarifies that an examination to determine the mental or physical condition or professional competence of a licensee shall be at the licensee's expense.
- Stipulates that a period of probation may include a requirement that the licensee regularly report to the Board on matters related to the licensee's probationary requirements.
- Allows the Board to dismiss a complaint if it is not of sufficient seriousness to merit alternative actions.

HOUSE OF REPRESENTATIVES

SB 1153

improvised explosive device; definition
Sponsor: Senator Gray C

DPA Committee on Natural Resources and Public Safety

W/D Committee on Judiciary

X Caucus and COW

House Engrossed

Senate Bill 1153 defines of an *improvised explosive device* and makes it a *prohibited weapon* and *simulated explosive device*. The bill increases the penalty for misconduct involving *simulated explosive devices*.

History

A.R.S. § 13-3101 includes the following as *prohibited weapons*:

- Explosive, incendiary or poison gas:
  - Bomb.
  - Grenade.
  - Rocket having a propellant charge of more than four ounces.
  - Mine.
    - A combination of parts or materials that is designed and intended for use in making or converting a device listed above.
- A device that is designed, made or adapted to muffle the report of a firearm.
- A firearm that is capable of shooting more than one shot automatically, without manual reloading, by a single function of the trigger.
- A rifle with a barrel length of less than 16 inches, or shotgun with a barrel length of less than 18 inches, or any firearm that is made from a rifle or shotgun and that, as modified, has an overall length of less than 26 inches.
- An instrument, including a nunchaku, that consists of two or more sticks, clubs, bars or rods to be used as handles, connected by a rope, cord, wire or chain, in the design of a weapon used in connection with the practice of a system of self defense.
- A breakable container that contains a flammable liquid with a flash point of 150° Fahrenheit or less and that has a wick or similar device capable of being ignited, including any combination of parts or materials that is designed and intended for use in making or converting such a device.
- A chemical or combination of chemicals, compounds or materials, including dry ice, that is placed in a sealed or unsealed container for the purpose of generating a gas to cause a mechanical failure, rupture or bursting of the container.

It is a Class 4 felony for a person to knowingly manufacture, possess, transport, sell or transfer a *prohibited weapon* or for a prohibited possessor to knowingly possess a *prohibited weapon* (A.R.S. § 13-3102).

Simulated explosive devices are simulations of *prohibited weapons* that are bombs, grenades, rockets or mines that are explosive, incendiary or poison gas and *prohibited weapons* that are breakable containers that contain a flammable liquid with a flash point of 150° Fahrenheit or less and that has a wick or similar device capable of being ignited. These simulations would need to appear to reasonable person as if they were real *prohibited weapons*. It is a Class 1 misdemeanor for a person to intentionally give or send a *simulated explosive device* to another person or place a *simulated explosive device* in a public place with the intent to terrify, intimidate, threaten or harass. (A.R.S. § 13-3110)

Provisions

- Reformats the definition of *prohibited weapon* and modifies it by:
  - Including an *improvised explosive device* and any combination of parts or materials that is designed and intended for use in making or converting a device into an *improvised explosive device*.
  - Specifying that a chemical or combination of chemicals, compounds or materials, including dry ice, that is possessed or manufactured for the purpose of generating a gas to cause a mechanical failure, rupture or bursting or an explosion or detonation of the chemical or combination of chemicals, compounds or materials is a *prohibited weapon*.
- Increases the penalty for misconduct involving *simulated explosive devices* from a Class 1 misdemeanor to a Class 5 felony.
- Includes in the definition of *simulated explosive device* the simulation of an *improvised explosive device.*
- Defines *improvised explosive device* as a device that incorporates explosives or destructive, lethal, noxious, pyrotechnic or incendiary chemicals and that is designed to destroy, disfigure, terrify or harass.
- Makes technical and conforming changes.

Amendments

Committee on Natural Resources and Public Safety

- Provides that if a misconduct involving prohibited weapons violation involves dry ice, a person only commits a violation if the person knowingly possesses the dry ice with the intent to cause injury to or death of another person.
- Makes a technical correction.

HOUSE OF REPRESENTATIVES

SB 1337

centennial funding; capitol renovation

Sponsors: Senators Flake, Aguirre, Arzberger, et al.

DPA Committee on Appropriations

X Caucus and COW

House Engrossed

SB 1337 transfers monies previously appropriated to the Arizona Historical Advisory Commission (AHAC) and Legislative Council in FY 2006-07 and makes changes to the conditions AHAC must meet in order to expend appropriated monies.

History

Arizona will celebrate its 100th anniversary of statehood on February 14, 2012. In May 2004, the Coordinating Committee for the History of Arizona held a workshop with over 90 representatives from every county of the state. During the workshop, the Committee recommended that AHAC serve as the coordinating entity for the state's centennial plan.

AHAC is a statutory commission consisting of members appointed by the director of the Arizona State Library, Archives and Public Records who are experts in the disciplines of history, architecture and archaeology, professional librarians and archivists and other individuals who are associated with the interpretation, research, writing, preservation or teaching of the State's heritage. AHAC also includes the Director of the Arizona Historical Society, the Director of the State Museum, the Director of the Arizona State Parks Board and the State Historic Preservation Officer. AHAC advises and makes recommendations to the Legislature and state agencies on matters related to historic preservation and encourages training and education in the field of historic preservation.

Laws 2006, Chapter 360, authorized AHAC to accept and spend gifts, grants and contributions in order to hire staff to plan for, develop and coordinate a statewide plan regarding the State's centennial celebration. The legislation also appropriated $2.5 million to Legislative Council for the statewide centennial plan, activities and projects. Monies appropriated would only be made available to AHAC upon an affirmative vote of Legislative Council and receiving a matching amount of $5 million from other sources.

Additionally, Laws 2007, Chapter 78, authorized AHAC to accept and spend legislative appropriations to contract for staff in order to plan, develop and coordinate a statewide plan regarding the State's centennial celebration, and to transfer $50,000 from monies appropriated in FY 2006-07 for the centennial to AHAC for initial expenses.

Provisions

- Reallocates the $2,500,000 appropriation from the state General Fund in FY 2006-07 as follows:
  - $50,000 to AHAC to develop and coordinate a statewide plan regarding the state's centennial, for deposit in the Arizona Centennial Account.
  - $2,000,000 to AHAC for deposit in the Arizona Centennial Account.
  - $450,000 to Legislative Council for the costs concerning the renovation of the state capital building in commemoration of the centennial. Expenditure of these monies are subject to the affirmative vote of Legislative Council.
- Removes the requirement that AHAC receive and account for $5,000,000 in matching funds through gifts, grants, and donations before the appropriation may be spent.
- Removes the requirement that AHAC expenditures receive an affirmative vote of Legislative Council.
- Repeals the transfer of $50,000 in FY 2006-07 to AHAC.
- Contains an emergency clause

Amendments

Appropriations

- Reverts the FY 2006-07 appropriation of $2,000,000 to the Arizona Historical Advisory Commission, reducing the total appropriation from the state General Fund from $2,500,000 to $500,000.

HOUSE OF REPRESENTATIVES

SB 1359

developmentally delayed pupils; schools

Sponsors: Senator O'Halleran, Representative Hershberger: Representative Anderson, et al

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DPA Committee on Education (K-12)

W/D Committee on Appropriations

X Caucus and COW

House Engrossed

SB 1359 renames the disability categories of *preschool severe delay* and *preschool moderate delay* as *early childhood severe delay* and *developmental delay*, respectively, incorporates the disability category of *preschool speech/language delay* into *speech/language impairment*, and applies *developmental delay* to children ages three through nine.

History

School districts and charter schools in Arizona receive state funding based on weighted student counts, or average daily membership (ADM). Arizona Revised Statutes (A.R.S.) § 15-901 defines the Group A category as special educational programs for a specific learning disability, an emotional disability, mild mental retardation, a speech/language impairment, homebound, bilingual, preschool moderate and speech/language delay, and other health impairments, as well as education programs for career exploration, remedial education, homebound, bilingual, and gifted pupils.

The Group B category, also defined in A.R.S. § 15-901, includes special educational programs for autism, a hearing or visual impairment, moderate or severe mental retardation, multiple disabilities, multiple disabilities with severe sensory impairment, orthopedic impairments, and preschool severe delay, as well as educational programs for English language learners.

The Arizona Department of Education (ADE) is required to complete a biennial cost study of special education programs pursuant to A.R.S. § 15-236. The cost study recommends adjustments to the Group A and Group B weights. The most recent adjustment to Group B weights occurred in FY 2006-07. ADE is also required to conduct program and fiscal audits of selected district special education programs to determine the degree of compliance with existing statutes and regulations, and the appropriate placement of students in special education programs. If ADE determines a child has been inappropriately placed, the district's Group B weight and entitlement to state aid is adjusted accordingly.

Preschool children who are currently categorized as *preschool moderate delay* or *preschool speech/language delay* are initially evaluated when they enter preschool. These children are evaluated again when they reach kindergarten age to determine what services need to be provided by the elementary school. According to ADE, this second evaluation may not adequately or accurately capture the child's needs, leading to disability misclassifications that may be too intensive or result in the child not being classified at all and thus not eligible to receive services. Children with disabilities are evaluated again when the reach the third grade, an age, as reported by ADE, where the child's needs are more likely to manifest themselves. SB 1359 allows a child to remain in their current disability classification until the age of nine (or third grade) without further testing.

Fiscal Impact

SB 1341 may have an unknown fiscal impact to the state General Fund. According to ADE, children who are currently classified as *preschool moderate delay* and *preschool speech/language delay* may be misclassified upon entering elementary school and thus receive higher services than required or receive no services at all. Children who

were improperly classified in a higher Group B weight category, such as autism, will now remain in lower Group B weights under this bill resulting in a potential fiscal savings. However, children who received no services in elementary school will now receive services resulting in a potential fiscal impact.

Provisions

- Renames the disability category of *preschool severe delay* (P-SD) as *early childhood severe delay* (ECSD).
- Replaces the P-SD Group B weight with the ECSD Group B weight.
- Renames the disability category of *preschool moderate delay* as *developmental delay* (DD) and includes children ages three through nine.
- Clarifies that the Group A weight may be used for DD programs.
- Establishes a Group B weight for DD, but prohibits Group B funding for preschool children in the DD category.
- Incorporates the disability category of *preschool speech/language delay* into *speech/language impairment* (SLI).
- Prohibits Group B funding for preschool children in the SLI category.
- Makes technical and conforming changes.

Amendments

Education (K-12)

- Makes technical and conforming changes.

HOUSE OF REPRESENTATIVES

SB 1406

municipal development fees; procedures

Sponsor: Senator Bee

DP Committee on Counties, Municipalities and Military Affairs

X Caucus and COW

House Engrossed

REVISED

SB 1406 amends the procedures for the implementation of municipal and county development fees, prohibits new municipal development fees for 24 months after final approval of the development and prohibits counties from assessing development fees to schools, except for street, water and sewer utilities improvements.

History

A.R.S. Section 9-463.05 requires the governing body of a municipality to adopt or amend an infrastructure improvements plan (Plan) before the assessment of a new or modified development fee. Currently, the Plan is required to estimate future necessary public services that will be required as a result of new development and the basis for the estimate. In addition, the Plan is required to forecast the costs of infrastructure, improvements, real property, financing, other capital costs and associated appurtenances, equipment, vehicles, furnishings and other personality that will be associated with meeting those future needs for necessary public services.

Pursuant to A.R.S. Section 11-1102, counties that have adopted a capital improvements plan can assess development fees within the covered planning area. Such fees are assessed to offset the capital costs for water, sewer, streets, parks and public safety facilities determined by the plan to be necessary for public services provided by the county to a development in the planning area.

A.R.S. Section 9-500.18 prohibits a city or town from assessing or collecting any development fees or costs from a school district or charter. This prohibition does not include fees assessed or collected for streets and water and sewer utility functions.

Provisions

- Requires monies received from a development fee identified in a Plan to be used for the benefit of the same area within which the development fee was assessed.
- Mandates that the municipal credit provided toward the payment of a development fee be based on the cost identified in the Plan.
- Requires municipalities to forecast, rather than consider, the contribution to be made in the future, in cash or by taxes, fees, assessments or other sources of revenue derived from the property owner towards the capital costs of the necessary public service covered by the development fee.
    - Mandates municipalities to include these contributions in determining the extent of the burden imposed by the development.
- Specifies that the Plan's estimate of future necessary public services that result from new development must be in the area within which the development fee will be assessed. A comparison of the necessary public services provided to existing development must be included in this forecast.
- Requires the Plan to forecast the revenue sources that will be available to fund the necessary public services.
- Requires municipal development fee ordinances to prohibit new development fees or increased portions of modified development fees against a development for 24 months after the date of the municipality's final approval of the development unless material changes are made to the site plan or subdivision plat that was the subject of the final approval.

- Prohibits the extension of the 24 month period by a renewal or amendment of the site plan or the final subdivision plat that was the subject of the final approval.
- Requires municipalities to issue, on request, a written statement of the development fee schedule applicable to a development.
- Prohibits counties from assessing or collecting development fees from a school district or charter school, other than fees assessed or collected for streets, water and sewer utility functions.
- Exempts developments that received their final approval before January 1, 2009 from changes to the procedures for municipal development fees.
- Defines the term *final approval.*
- Contains a delayed effective date of January 1, 2009 for changes in the statutes related to municipal development fees.
- Makes technical and conforming changes.